



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2208624
Applicant Name: Paul Wozniak for T-Mobile Wireless Inc.
Address of Proposal: 5900 West Marginal Wy SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a minor communication utility (T-Mobile Wireless) consisting of six (6) panel antennas (3-sector) attached to a new 100-foot monopole. Project includes equipment cabinet to be located on an existing slab within a fenced area.

The following approval is required:

SEPA - Environmental Determination - Seattle Municipal Code Chapter 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

*Early Notice DNS published February 6, 2003

BACKGROUND DATA

Site and Vicinity Description

The subject site is a waterfront lot, comprising a land mass area of approximately 770,500 square feet that fronts the Duwamish Waterway to the east and West Marginal Way Southwest to the west. The site located in the 5900 block of West Marginal Way Southwest is virtually a flat lot that supports a cargo terminal use. The activity associated with the cargo terminal use is mainly conducted on the rear half of the development site adjacent to the Duwamish waterway. The front half of the lot, fronting West Marginal Way Southwest is mostly abandon with some outdoor storage use on the heavily concreted lot. Also, there are several weather-beaten modular

buildings placed on the concrete slab in this area of the lot. The area of proposed development is outside the two hundred foot shoreline district. The site is zoned Industrial General-1, with an eighty-five feet height limit for certain uses (IG1-U/85). The subject site is also located within the shoreline Urban Industrial district (UI). Further, the site is mapped in the Environmental Critical areas (ECA) Folios as having soil conditions prone to liquefaction.

Access the property is gained through a driveway near the site's northwest along West Marginal Way Southwest. The surrounding zoning is primarily Industrial General-1 & 2, with eighty-five feet height limit in this lowland area. West Marginal Way Southwest is a major transportation corridor in this industrial belt, serving the needs of Port of Seattle and other commercial and industrial uses to the interstate system. The industrial uses along this corridor have little visual impact owing in part to the bulk and scale of the buildings along the right-of-way. To the west across West Marginal Way Southwest just beyond a narrow band industrial zoning band the land slopes abruptly upwards to create a natural buffer for the properties located up the hill and beyond in residentially zone areas.

Proposal Description

The applicant proposed to construct 100 feet high minor communication monopole with six antennas, three sector array (two antennas per sector) on the monopole. The applicant also proposes to install a 10 feet by 3 feet electronic equipment cabinet installation on a 425 square feet concrete slab at the base of the monopole enclosure by a 6-foot high barb-wired topped, chained linked security fence. The application includes a list describing the type, power, height and dimensions of the individual antennas.

According to the project plans, it appears the monopole has been designed to allow for future collocation of additional panel antennas, which are not included in this application under review. Therefore, DCLU review, analysis and decision of the current application is limited in scope to the construction of 100 feet high monopole with associated 6 panel antennas and cabinet equipment at the base of the monopole.

The proposed utility would be located within a locked and secured location not accessible to the general public. Signs shall be posted at access points warning of presence of radio frequency radiation. The project would be an unmanned facility that would require maintenance visits only. The development will be accessed through a gate from the main driveway connecting to West Marginal Way Southwest.

Public Comments

No public comment letter was received during comment period, which ended February 19, 2003.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated January 8, 2003 and reviewed by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. These impacts are expected to be minor in scope and of very short duration.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances, or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to monthly maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Earth

The ECA Ordinance and Director's Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions, or when the Director determines that additional soils analysis is appropriate. Pursuant to this requirement, the applicant submitted a geotechnical engineering evaluation prepared by LSI Adapt Inc., dated October 21, 2002. The report evaluates the general surface and subsurface site conditions and provides recommendations concerning site preparation, equipment pad and tower foundations, and structural fill.

Aesthetics

The Land Use Code (SMC 23.57.015.B3), requires that the proposed materials, shape, and color of the proposed utility will minimize negative visual impacts to the greatest extent possible. The monopole will be constructed of non-glare galvanized steel so that it will not be unduly conspicuous in the industrial and commercial environment. The base of the monopole and the on-grade equipment cabinet will be screened to diminish the visual impact of the base of the monopole. The applicant has proposed a view obscuring chain-link fence with slats to screen the view of the monopole. To further mitigate additional visual impacts the monopole communication utility would pose, the project will be conditioned to be painted to match the color of the pole as proposed by the applicant. Therefore, visual appearance of the device will therefore be minimized.

Height

The proposed monopole will have a height of one hundred feet (100 ft.) with three panel antennas attached to the top. The height of the subject monopole structure, being the highest in the service area is necessary to provide line of sight transmission of cellular frequencies to the edge of the service area. The long-term or use-related impacts anticipated as a result of approval of this proposal are a small increase in traffic and parking of vehicle(s) for maintenance of the utility (expected to be once a month), which is minor in scope.

Electro-magnetic Radiation (EMR)

The City of Seattle, in conjunction with Seattle-King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, pose no threat to public health. Additionally, the FCC has pre-empted State and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

The above-cited ordinance (Ordinance 116057, January 1992) was adopted specifically to ensure that the health and safety of the general public was protected from the adverse impact of electro-magnetic radiofrequency radiation and to establish performance standards to minimize health risks to the general public. The ordinance comprehensively covers all sources of radio frequency radiation and specifies radio frequency standards, measurement methods and permit requirements.

The City's SEPA policy on Environmental Health is subject to the Overview Policy which states that when existing ordinances provide adequate protection, there is no basis for additional mitigation. At this time, no significant adverse health impacts to the general population are expected. The Department concludes that no further mitigation for EMR impacts, beyond the requirements of the Telecommunications Ordinance and Land Use Code are warranted pursuant to SEPA policies.

Historic Preservation

The tower is proposed to be located near the meander line to minimize adverse impacts to potential archaeological resources, the project will be conditioned to monitor any excavation and to promptly report any archaeological findings per DCLU Director's Rule 2-98.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS - SEPA

Prior to issuance of Master Use Permit

1. Revise the official plans to show that to minimize negative visual impacts, the antenna shall be painted to match the color of the monopole.
2. Per DCLU Director's Rule 2-98, the owner(s) and/or responsible party(s) shall provide DCLU with a statement that the contract documents for their general excavation and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCE, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Signature: _____ (signature on file) Date: June 5, 2003
Bradley Wilburn, Land Use Planner II
Department of Design, Construction and Land Use
Land Use Services